

AMENDED IN SENATE JULY 6, 1998
AMENDED IN SENATE JUNE 29, 1998
AMENDED IN ASSEMBLY APRIL 15, 1998
AMENDED IN ASSEMBLY MARCH 18, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 1685

Introduced by Assembly Member Hertzberg

January 16, 1998

An act to amend Sections ~~9446~~, 21500, 21601, and 21620 of the Elections Code, relating to local elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1685, as amended, Hertzberg. Local elections: ~~initiative ordinances; districts.~~

~~Existing law requires county boards of supervisors, when presented with an initiative petition for a proposed county ordinance that is signed by not less than 20% of county voters at the last gubernatorial election, (1) to pass the ordinance without alteration as specified, (2) to immediately call a special election to submit the ordinance to county voters, or (3) to order a report on the proposed initiative measure and to either adopt the ordinance or order a special election after receiving the report.~~

~~This bill would revise these provisions to allow the board of supervisors to submit the proposed ordinance to the voters at~~

~~the next regular election or at a special election called by the board of supervisors.~~

Existing law requires county boards of supervisors and the councils of general law and charter cities that elect members by or from districts following each decennial federal census, and using that census as a basis, to adjust the boundaries of the supervisorial and council districts so that the districts shall be as nearly equal in population as may be. In establishing the boundaries of the districts, the board or council of a general law city may give consideration to the topography, geography, and cohesiveness, contiguity, integrity, and compactness of territory, and community of interests of the districts.

This bill would declare legislative intent on the protection of local communities in the redistricting process. The bill would require the board to conform the boundaries, to the extent possible without violating the other provisions specified above, to the boundaries of existing cities and communities of interest, as defined. The bill would require the council of a general law or charter city to conform the boundaries, to the extent possible without violating the other provisions specified above, to the boundaries of existing communities of interest, as defined. The bill would ~~require~~ *authorize* that board or council to hold at least one public hearing on any proposal to adjust those boundaries prior to a public hearing at which the board or council votes to approve or defeat the proposal. By creating additional duties on those local agencies in establishing the boundaries of those districts, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that the Legislature finds there is no mandate contained in the bill that will result in costs incurred by a local agency or school district for a new program or higher level of service which require reimbursement pursuant to these constitutional and statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



The people of the State of California do enact as follows:

SECTION 1. With respect to Sections ~~3, 4, and 5~~ 2, 3, and 4 of this act, the Legislature finds and declares that the protection of local communities in the redistricting process is a matter of statewide concern. Cities and counties with district elections sometimes use their power to redistrict for political purposes rather than for the benefit of their constituents and communities.

The splitting of local communities through political gerrymandering has many harmful effects. Members of the same community may not know their representative because government-imposed boundaries do not conform to existing community lines. Further, communities have difficulty obtaining adequate representation and municipal services because their political force is dissipated over several districts. The effect of this disenfranchisement is to cause voters to question the integrity and legitimacy of the election process.

Concern for communities, rather than politics, should be the determining factor in redistricting. Though the federal requirements of population equality and the federal Voting Rights Act of 1965 take precedence, the protection of local communities should follow as a priority in the redistricting process.

~~SEC. 2. Section 9116 of the Elections Code is amended to read:~~

~~9116. If the initiative petition is signed by voters not less in number than 20 percent of the entire vote cast within the county for all candidates for Governor at the last gubernatorial election preceding the publication of the notice of intention to circulate an initiative petition, the board of supervisors shall do one of the following:~~

~~(a) Pass the ordinance without alteration either at the regular meeting at which it is presented, or within 10 days after it is presented.~~

~~(b) Submit the ordinance to the voters at the next regular election or at a special election called by the board of supervisors.~~

~~(c) Order a report pursuant to Section 9111 at the regular meeting at which the ordinance is presented. When the report is presented to the board of supervisors, it shall either adopt the ordinance within 10 days or submit the ordinance to the voters at the next regular election or at a special election called by the board of supervisors.~~

~~SEC. 3.—~~

SEC. 2. Section 21500 of the Elections Code is amended to read:

21500. (a) Following each decennial federal census, and using that census as a basis, the board shall adjust the boundaries of any or all of the supervisorial districts of the county so that the districts shall be as nearly equal in population as may be and shall comply with the applicable provisions of the federal Voting Rights Act of 1965, Section 1973 of Title 42 of the United States Code, as amended.

(b) To the extent possible without violating subdivision (a), in establishing the boundaries of the districts the board shall conform the boundaries to the boundaries of existing cities and communities of interest. For purposes of this section, a “community of interest” is defined to include a geographic area for which a community plan has been adopted or that is identified in a general plan. In addition, the board may give consideration to the following factors: (1) topography, (2) geography, and (3) cohesiveness, contiguity, integrity, and compactness of territory of the districts.

(c) The board ~~shall~~ *may* hold at least one public hearing on any proposal to adjust the boundaries of a district, prior to a public hearing at which the board votes to approve or defeat the proposal.

~~SEC. 4.—~~

SEC. 3. Section 21601 of the Elections Code is amended to read:

21601. (a) Following each decennial federal census, and using that census as a basis, the council shall, by ordinance or resolution, adjust the boundaries of any or all of the council districts of the city so that the districts

1 shall be as nearly equal in population as may be and shall
2 comply with the applicable provisions of the federal
3 Voting Rights Act of 1965, Section 1973 of Title 42 of the
4 United States Code, as amended.

5 (b) To the extent possible without violating
6 subdivision (a), in establishing the boundaries of the
7 districts the council shall conform the boundaries to the
8 boundaries of existing communities of interest. For
9 purposes of this section, a “community of interest” is
10 defined to include a geographic area for which a
11 community plan has been adopted or that is identified in
12 a general plan. In addition, the council may give
13 consideration to the following factors: (1) topography,
14 (2) geography, and (3) cohesiveness, contiguity,
15 integrity, and compactness of territory of the districts.

16 (c) The council shall hold at least one public hearing
17 on any proposal to adjust the boundaries of a district prior
18 to a public hearing at which the council votes to approve
19 or defeat the proposal.

20 ~~SEC. 5.—~~

21 *SEC. 4.* Section 21620 of the Elections Code is
22 amended to read:

23 21620. (a) If the members of the governing body of
24 a chartered city are nominated or elected “by districts”
25 or “from districts,” as defined in Section 34871 of the
26 Government Code, upon the initial establishment
27 thereof, the districts shall be as nearly equal in population
28 as may be according to the latest federal decennial census
29 or, if the city’s charter so provides, according to the
30 federal mid-decade census or the official census of the
31 city, as provided for pursuant to Chapter 17
32 (commencing with Section 40200) of Part 2 of Division 3
33 of Title 4 of the Government Code, as the case may be.
34 After the initial establishment of the districts, the districts
35 shall continue to be as nearly equal in population as may
36 be according to the latest federal decennial census or, if
37 authorized by the charter of the city, according to the
38 federal mid-decade census. The districts shall comply
39 with the applicable provisions of the federal Voting

1 Rights Act of 1965, Section 1973 of Title 42 of the United
2 States Code, as amended.

3 (b) To the extent possible without violating
4 subdivision (a), in establishing the boundaries of districts,
5 the council shall conform the boundaries to the
6 boundaries of existing communities of interest. For
7 purposes of this section, a “community of interest” is
8 defined to include a geographic area for which a
9 community plan has been adopted or that is identified in
10 a general plan.

11 (c) The council shall hold at least one public hearing
12 on any proposal to adjust the boundaries of a district prior
13 to a public hearing at which the council votes to approve
14 or defeat the proposal.

15 ~~SEC. 6.—~~

16 *SEC. 5.* Pursuant to Section 17579 of the Government
17 Code, the Legislature finds that there is no mandate
18 contained in this act that will result in costs incurred by
19 a local agency or school district for a new program or
20 higher level of service which require reimbursement
21 pursuant to Section 6 of Article XIII B of the California
22 Constitution and Part 7 (commencing with Section
23 17500) of Division 4 of Title 2 of the Government Code.

24 Notwithstanding Section 17580 of the Government
25 Code, unless otherwise specified, the provisions of this act
26 shall become operative on the same date that the act
27 takes effect pursuant to the California Constitution.